

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lianne May	Team: Squad #7	CCRB Case #: 201908406	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/13/2019 12:20 PM	Location of Incident: Idlease Place and Beachview Avenue	Precinct: 122	18 Mo. SOL 3/13/2021	EO SOL 10/28/2021	
Date/Time CV Reported Mon, 09/16/2019 10:15 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/23/2019 11:20 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Wilfredo Ramos	535	954897	122 PCT
2. SGT Nicholas Abagnalo	00826	947962	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jonathan Alvarez	04911	966430	122 PCT
2. POM Yassir Zahroof	24718	962885	122 PCT
3. POM Alan Bungay	14433	943033	122 PCT
4. POF Renette Pierreantoinne	14032	957038	122 PCT
5. POM Michael Lam	25229	963106	122 PCT
6. POM Matthew Aiello	06430	939849	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Wilfredo Ramos	Abuse: Police Officer Wilfredo Ramos seized § 87(2)(b) s property.	
B.POM Wilfredo Ramos	Abuse: Police Officer Wilfredo Ramos threatened to arrest § 87(2)(b)	
C.POM Wilfredo Ramos	Abuse: Police Officer Wilfredo Ramos threatened to issue summons to § 87(2)(b)	
D.SGT Nicholas Abagnalo	Abuse: Sergeant Nicholas Abagnalo threatened to arrest § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

### Case Summary

On September 16, 2019, § 87(2)(b) called NYPD Internal Affairs to file a complaint (BR01).

On September 13, 2019 at approximately 12:20PM, in the vicinity of Idlease Place and Beachview Avenue in Staten Island, Police Officer Wilfredo Ramos of the 122 Precinct was in the process of towing a freightliner, a commercial semi-truck, when § 87(2)(b) arrived and disputed the legality of towing the freightliner (**Allegation A: Abuse of Authority,** § 87(2)(g). During their discussion, PO Ramos threatened to issue § 87(2)(b) a summons and place him in handcuffs (**Allegations B and C: Abuse of Authority,** § 87(2)(g). PO Ramos called Sergeant Nicholas Abagnalo of the 122 Precinct to the scene. § 87(2)(b) alleged that Sgt. Abagnalo also threatened to arrest him when he approached Sgt. Abagnalo's vehicle at the end of the encounter (**Allegation D: Abuse of Authority: Threat of Arrest:**

§ 87(2)(g) § 87(4-b) § 87(2)(g)

The investigation received PO Ramos' BWC (BR02). § 87(2)(g)

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Wilfredo Ramos seized § 87(2)(b)'s property.**

On September 13, 2019, at approximately 12:20PM, § 87(2)(b) arrived at Idlease Place and Beachview Avenue and saw his freightliner hooked up to a tow truck. He and PO Ramos disputed when the freightliner had last been moved. According to § 87(2)(b) his freightliner is not a commercial vehicle (BR03). PO Ramos towed it because it was on the ROTOW log, had commercial plates, and had not been moved in accordance with DOT traffic regulations (BR04). § 87(2)(b) said the registration class had changed and was therefore no longer classified as commercial, so it should not be towed. Sgt. Abagnalo arrived and agreed with PO Ramos' decisions when he saw PO Ramos performing a ROTOW with the freightliner already hooked up to the tow truck (BR05). The BWC (BR02) at 00:55 shows the freightliner has a sticker stating, "not for hire" and "RV use only." § 87(2)(b) claims his freightliner is not registered as a commercial vehicle. PO Ramos and Sgt. Abagnalo state that the freightliner had not been moved, as per the NYC DOT Traffic Guidelines. The BWC does not show if the freightliner has commercial plates and there is no evidence to disprove or corroborate § 87(2)(b)'s statement that his freightliner had not been parked overnight. PO Ramos stated to the investigation that an RV cannot be on parked in NYC streets for over 24 hours.

NYC DOT Traffic Rules Section 4-08 (BR06) states that commercial vehicles cannot be parked on a street unless loading or unloading and parking of trailers/street storage/nighttime parking of commercial vehicles is prohibited.

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Police Officer Wilfredo Ramos threatened to arrest**

§ 87(2)(b) -

**Allegation (C) Abuse of Authority: Police Officer Wilfredo Ramos threatened to issue summons to § 87(2)(b) -**

**Allegation (D) Abuse of Authority: Sergeant Nicholas Abagnalo threatened to arrest § 87(2)(b) -**



§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

#### Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party in one CCRB complaint. He has been named a victim zero allegations (BR12).
  - § 87(2)(b)
- Police Officer Wilfredo Ramos has been a member of service for seven years and has been subject in three CCRB complaints and eight allegations, none of which have been substantiated (BR13). § 87(2)(g)
- Sergeant Nicholas Abagnalo has been a member of service for eleven years and has been subject in three CCRB complaints and four allegations, none of which were substantiated (BR14). § 87(2)(g)

#### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of September 21, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR15).
- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 7

Investigator: Lianne May      Investigator Lianne May      October 26, 2020  
Signature      Print Title & Name      Date

Squad Leader: \_\_\_\_\_      Manager Vanessa Rosen      October 27, 2020

**CCRB Case # 201908406**

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date